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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,031	06/27/2001	Tatsuya Kanno	60586-300601	5489
25696	7590	02/24/2004	EXAMINER	
OPPENHEIMER WOLFF & DONNELLY			STONER, KILEY SHAWN	
P. O. BOX 10356			ART UNIT	
PALO ALTO, CA 94303			PAPER NUMBER	

1725

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/894,031

Applicant(s)

KANNO ET AL.

Examiner

Kiley Stoner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Important Note to the Applicant***

The applicant is claiming a device. The intended use of the instantly claimed apparatus is noted, however, the intended use does not patentably distinguish said claimed apparatus over the prior art. Through claim analysis the examiner has determined the apparatus to structurally include a polycondensating reactor; a separating device (distiller) that is attached to the reactor; the polycondensating reactor is a longitudinal-type reactor with a stirrer; and a dissolving/melting vessel installed at the preceding stage of the polycondensating reactor. The limitations of the organic solvent, dicarboxylic acid, diol, catalyst, and distannoxane catalyst do not structurally limit the claimed apparatus. The examiner recommends that the applicant either claim a system including both the structural components of the apparatus and the chemical components in the apparatus, or a method. This would help the applicant in distinguishing their potential invention over the prior art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Perego et al. (5,543,494). Perego et al. teaches a polycondensating reactor (column 3, lines 7-18); and a separating device (distiller) that is attached to the reactor (Figure 1 and column 3, lines 7-18); the polycondensating reactor is a longitudinal-type reactor with a stirrer (column 3, lines 7-18; and column 3, line 65-column 4, line 6). The polycondensating reactor in Figure 1 is certainly a longitudinal-type reactor.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujimori et al. (6,160,085). Fujimori et al. teaches a polycondensating reactor (column 12, lines 11-17); and a separating device (distiller) that is attached to the reactor (column 5, lines 41-47). The apparatus of Fujimori et al. that removes the water from the reaction and excess ethylene glycol would inherently be either directly or indirectly attached to the reactor.

Fujimori et al. teaches the polycondensating reactor is a longitudinal-type reactor with a stirrer (Figure 1; column 5, lines 41-47 and column 12, lines 11-17); and a dissolving/melting vessel installed at the preceding stage of the polycondensating reactor (column 6, lines 14-24 and column 12, line 31-32). The polycondensating reactor in Figure 1 is certainly a longitudinal-type reactor.

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. (6,130,262). Suzuki et al. teaches a polycondensating reactor (Figure 1; column 8, lines 5-13 and column 8, line 65-column 9, line 18); and a separating device (distiller) (5) that is *indirectly* attached to the reactor (column 5, line 65-column 6, line 5); the polycondensating reactor is a longitudinal-type reactor with a stirrer (Figure 1; column 8, lines 5-13 and column 8, line 65-column 9, line 18); and a dissolving/melting vessel (3) installed at the preceding stage of the polycondensating reactor (Figure 1; column 8, lines 5-13 and column 8, line 65-column 9, line 18). The polycondensating reactor in Figure 1 is certainly a longitudinal-type reactor.

Conclusion

The prior art of record that is cited as of interest is presented on the form-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiley Stoner whose telephone number is (571) 272-1183. The examiner can normally be reached on Monday-Thursday (7:30 a.m. to 6:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on Monday-Friday at (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kiley Stoner A.U. 1725

Kiley Stoner 2/4/04